IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2731 OF 1986

Maganbhai N.Savani ..Plaintiff

Vs.

Devki Chitra & Anr. ..Defendants

Mr.Kalpesh Nansi i/b Malvi Ranchoddas and Co. for the plaintiff

Ms.Lata Bhacani i/b I.R.Joshi and Co. for the defendants

CORAM : S.U.KAMDAR, J
DATED : 16TH FEBRUARY, 2006

P.C.:

1. The learned counsel for the plaintiff states that he has no instruction to prosecute the suit. Suit is dismissed for non prosecution.

2. The learned counsel for the defendants states that in view of dismissal of suit, amount deposited by the defendants in summary suit at the stage of summons for judgment by order dt.18.1.88 be refunded. Accordingly, office of the Prothonotary and Senior Master, High Court, Mumbai is directed to refund the amount deposited

alongwith accrued interest to the defendants.